



1  
2  
3  
4  
5 **Stratham Planning Board**  
6 **Meeting Minutes**  
7 **September 05, 2012**  
8 **Municipal Center, Selectmen's Meeting Room**  
9 **10 Bunker Hill Avenue**  
10 **Time: 7:00 PM**  
11

---

12  
13 **Members Present:** Mike Houghton, Chairman  
14 Bob Baskerville, Vice Chairman  
15 Bruno Federico, Selectmen's Representative  
16 Jameson Paine, Member  
17 Tom House, Alternate  
18 Mary Jane Werner, Alternate  
19 Christopher Merrick, Alternate  
20

21 **Members Absent:** Jeff Hyland, Secretary  
22

23 **Staff Present:** Lincoln Daley, Town Planner  
24

---

25  
26 **1. Call to Order/Roll Call.**

27  
28 The Chairman took roll call.  
29

30 **2. Review/Approval of Meeting Minutes.**

- 31 a. July 18, 2012  
32 b. August 01, 2012  
33 c. August 15, 2012  
34

35 Mr. Federico made a motion that the Board approves July 18, August 1<sup>st</sup>, and August  
36 15<sup>th</sup> minutes as recorded. Mr. Scamman from Emmanuel Engineering said he had a  
37 few concerns about the minutes from August 15, 2012. He commented that additional  
38 discussions involving the Board's reasons for rejecting Zoning Ordinance, Section 5.5.  
39 had not been included. Mr. Scamman added that during the discussion of Zoning  
40 Ordinance, Section 3.5, Mr. Daley explained when a fence was a considered a structure  
41 as defined by the Zoning Ordinance. He requested that this discussion be added.  
42

43 Mr. Houghton suggested Mr. Scamman's comments be noted and that the August 15,  
44 2012 minutes be reviewed further by the Board. Mr. Houghton recommended that the

1 Board members revise the previous motion. Mr. Houghton then asked Ms. Werner if  
2 she would be a full voting member in place of absent Mr. Hyland.

3  
4 Mr. Federico made a motion to approve July 18<sup>th</sup> and August 1<sup>st</sup> minutes as recorded.  
5 Ms. Werner seconded. The August 15<sup>th</sup> minutes would be tabled to the next available  
6 meeting. The motion carried unanimously.

7  
8 **3. Public Hearing(s).**

- 9 a. **Kirk Scamman, 9 Frying Pan Lane, Stratham, NH for the property located at 6**  
10 **Frying Pan Lane, Tax Map 9, Lot 113.** Site Plan Review Application to construct a  
11 36,000 square foot automobile storage area. (Continued from 8/15/12)

12  
13 Mr. Houghton started by mentioning a letter received from Mr. Bernie Pelich, attorney  
14 for Subaru, requesting that the Board reconsider their vote on the August 15th meeting  
15 involving Section 5.5 and the determination that said the section was not applicable.  
16 Mr. Houghton reopened that discussion with the Board and summarized Section 5.5 of  
17 the Zoning Ordinance.

18  
19 Mr. Daley recommended that the Applicant address this issue and then the Board  
20 comment afterwards.

21  
22 Mr. Bruce Scamman provided a brief summary of the previous meeting and the Board's  
23 determination of whether an automotive storage use was allowed in the General  
24 Commercial District under Section 5.5 pertaining to outside storage. Mr. Scamman  
25 said he would like the Board to reconsider their decision on Section 5.5 as to whether or  
26 not this can be classified as outside storage. A long discussion then ensued as to  
27 whether an automobile storage could be matched to current uses in the district under the  
28 Section 3.6, Table of Uses.

29  
30 Mr. Scamman said he received a letter from Rockingham Planning Commission, but it  
31 doesn't mention that this will be on a single lot as was discussed at the previous  
32 meeting which concerns him. He is concerned that they or the Board are not receiving  
33 all of the information so an educated discussion cannot take place and it means also that  
34 the public are not receiving all of the information. Mr. Scamman referred again to the  
35 fact that it would be developed on one lot so he would like the Board to reconsider.  
36 Under Section 5.5. it says "storage of materials used in conjunction with a permitted  
37 use within any district, will be permitted, however all goods and materials must be  
38 stored in accordance with the minimum yard dimensions specified in Table 4.2". Mr.  
39 Scamman stressed that it says "all goods and materials" and he feels that the proposed  
40 used meets this classification.

41  
42 Mr. Daley explained that the documentation given to the Board is a progression of the  
43 Rockingham Planning Commission staff reports containing the zoning warrant articles  
44 discussed intermittently with the Planning Board at that time. The missing element  
45 from that time are the in depth discussions that took place. He explained that when  
46 Section 5.5 was put forward in 1996 for the Ordinance, the stated purpose in the

1 Warrant Article was to limit the outside storage of material to within building  
2 dimensional setback requirements. At that time, another section was added relative to  
3 having open space setbacks of a certain size depending on the district. Notably, there is  
4 no express intent to add Section 5.5 to the Ordinance in order to permit storage of items  
5 related to a use on a lot other than the one upon the permitted use was occurring. Mr.  
6 Daley continued by stating that it appears there was a specific decision not to have  
7 outside storage become a primary use listed in Section 3.6.  
8

9 Mr. Daley said that in reviewing the entire history of Section 5.5, it appears that when  
10 the discussion for this additional section began in September 1995, outside storage and  
11 display was contemplated to be a separate use. From the attached memoranda, it is  
12 apparent that a decision was made at some point during this period to change the  
13 wording of the proposed section to state that the storage would need to be in  
14 conjunction with a permitted use. The result was to create Section 5.5. The decision to  
15 create and then place outside storage in Section 5 Supplemental Regulations rather than  
16 inclusion within the Table of Use indicates that outside storage would occur in  
17 conjunction with the existing use on the lot.  
18

19 Mr. Daley mentioned that Paul Deschaine, Town Manager was involved in the drafting  
20 of these amendments and recalls that they were adding the open space setbacks and the  
21 storage provisions at the same stage because the Town was having problems with  
22 commercial/retail operations storing/displaying items and products at various locations  
23 on the property in close proximity to the roadways. Paul Deschaine's recollection and  
24 the materials related to the Warrant Articles strongly indicate the purpose of the adding  
25 of Section 5.5 was to further regulate storage relative to a permitted use on the lot upon  
26 which the use was occurring. However, the intent was not to create a stand-alone use  
27 permitting outside storage.  
28

29 Mr. Scamman asked if they have access to the document Mr. Daley was referring to.  
30 Mr. Daley said it was an opinion. Mr. Deschaine explained that the documents were  
31 his own personal handwritten notes and that his own recollection was there was a single  
32 issue having to do with outdoor storage of goods which evolved into two separate  
33 Warrant Articles.  
34

35 Mr. Houghton asked Mr. Deschaine if he had any knowledge of there being an instance  
36 of a storage lot being permitted which is distinctly different to an existing business.  
37 Mr. Deschaine said the closest to this application was the self storage behind the Audi  
38 dealership.  
39

40 As Ms. Werner was absent for the meeting held on August 15 2012 meeting she asked  
41 for a quick update on the Board's decision and why Mr. Scamman hadn't been  
42 provided with some materials prior to that meeting.  
43

44 Mr. Federico clarified what he felt "storage of materials used in conjunction with a  
45 permitted use within any district" meant. He gave an example to illustrate his  
46 explanation; if Circle K stored propane cylinders outside, that would be a permitted use

1 because Circle K sells propane cylinders. Mr. Scamman's lot is not selling anything so  
2 there is no use. There is not a permitted use called "storage".  
3

4 Ms. Werner asked if the Subaru Dealership owned Mr. Scamman's land and wanted to  
5 do exactly what Mr. Scamman wishes to do, would he be able to do it. Mr. Federico  
6 said he would have to get permission to do it on that lot.  
7

8 Mr. Scamman asked if his brother Kirk Scamman was in violation by storing and  
9 selling pumpkins on his parents' lot. Mr. Deschaine said due to statutory construction  
10 of the Right to Farm, that use has different meaning.  
11

12 Mr. Deschaine said he wanted to make it clear that his only participation other than  
13 giving his recollection directly to Mr. Daley was to provide the Rockingham Planning  
14 Commission documents from his files and that was the extent of his involvement. Mr.  
15 Scamman said that Mr. Deschaine was the person who made the motion from the floor  
16 at the August 15 meeting. Mr. Houghton said Mr. Deschaine is not allowed to make a  
17 motion. Mr. Scamman said that Mr. Deschaine worded the motion as the Board  
18 couldn't come up with a motion.  
19

20 Mr. Houghton said that the question before the Board is to reconsider the decision  
21 relative to Section 5.5. Outside Storage and whether it is in the Board's view this  
22 application conforms to the intent of the Ordinance. Mr. Houghton took a vote on  
23 whether the Board believed this application was consistent with the intent of 5.5. or not.  
24 There were 5 members who felt it did not meet the intent and one member abstained.  
25

26 Mr. Scamman said he would like the Board to reconsider its determination that the  
27 proposed use fall under the Warehousing/Self Storage in Section 3.6 Table of Uses. He  
28 summarized the Board's previous discussion and then stated the automobile storage is  
29 comparable to a motor vehicle dealership listed as an allowed use in Table 3.6. Mr.  
30 Scamman then proceeded to detail the reasons why the proposed use should not fall  
31 under Warehousing/Self Storage and the potential impacts to the site and environment  
32 if required to comply under this use. Mr. Scamman believes that was not the intent of  
33 the Board or is not the intent of the client.  
34

35 The Board then revisited the discussion concerning the proposed use and the uses listed  
36 in Section 3.6 Table of Uses. Mr. Houghton stated that the Board struggled in its  
37 attempt to categorize the proposed uses relative to the Table of Uses. At the last  
38 meeting, the Board determined that the use as proposed was of the same general  
39 character as Warehousing/Self Storage. As allowed under Section 3.5.1, Mr. Houghton  
40 stated that if the use is not listed in Table of Uses, the Board will need to determine if  
41 said use is of the same general character as those uses allowed in the General  
42 Commercial District.  
43

44 The Board then reviewed the list of uses in Table 3.6. to determine if the proposed use  
45 would be of the same general character of the uses permitted in the General  
46 Commercial District.

1 Mr. Daley commented that the applicant has asked the Board to consider the  
2 automobile storage lot is of the same general character as a Motor Vehicle Dealership,  
3 an allowed use in the General Commercial District. He continued by stating that the  
4 Board should break down the dealership by individual functions/operations. By doing  
5 so would afford the Board the opportunity to compare the functions/operations of the  
6 motor vehicle dealership to the automotive storage lot and determine if it is of the same  
7 general character.

8  
9 The Board first discussed the proposed use as it applied to Warehousing/Self Storage.  
10 After some discussion, the Board determined that the proposed use would not be of the  
11 same general character. The Board then explored other permitted uses allowed in the  
12 General Commercial District. Following a brief discussion, the Board considered a  
13 Motor Vehicle Dealership use as a possible comparable use. The Board then discussed  
14 the various functions/operations of the Motor Vehicle Dealership. The Board  
15 determined that the proposed use and the Motor Vehicle Dealership share a number of  
16 similar functions/operations namely the storage and delivery of inventory on site.

17  
18 A member of the public stated his preference to remove car carriers from unloading  
19 onto Portsmouth Avenue. He hopes that the Town will work on some enforcement due  
20 to unsafe conditions the car carriers create.

21  
22 At the conclusion of the discussion, Mr. Baskerville made a motion in accordance with  
23 the Board's exploration of Article 3.6 that they have deemed that the proper use for this  
24 is a motor vehicle dealership repair garages and body shops, listed as #7 in Article 3.6,  
25 Section F of the Zoning Ordinance.

26  
27 Mr. Daley asked if he could make an amendment to the motion. He said Mr.  
28 Baskerville may want to mention it is of the same general character. Mr. Baskerville  
29 accepted the amendment.

30  
31 Ms. Werner seconded the motion. Motion carried unanimously.

32  
33 Mr. Scamman asked for a continuance to the first meeting in October. Mr. Houghton  
34 said it was granted.

35  
36 Mr. Daley made it clear to the applicant that going forward the application would  
37 require a site plan review application.

- 38  
39 b. **Tim Mason/Cabernet Builders, P.O. Box 291, Stratham, NH for the property**  
40 **located at 130 High Street, Tax Map 19, Lot 60.** Subdivision Application to create  
41 three total lots. (First Public Hearing)

42  
43 Mr. Mason introduced himself and Scott Cole from Beals Associates and then gave a  
44 quick summary of previous public meetings involving a proposal for senior affordable  
45 housing

1 Mr. Cole then followed by proving a summary of the three lot subdivision proposal for  
2 a parcel containing approximately 16 acres. He stated that the road will be 270 feet  
3 long and they are proposing a modified hammerhead design. He added that this design  
4 has been used in other parts of town. A waiver has been submitted for the road dated  
5 August 16, 2012. It will allow for a proper vehicle turnaround and has less pavement.  
6 Further, he mentioned that the applicant preferred to design the roadway up to Town  
7 specifications for acceptance by the Town as a public road.  
8

9 Mr. Cole then referred to the review from Civilworks which had only minor comments.  
10 Mr. Cole shared those comments and explained that they had revised their plans to  
11 reflect those changes recommended by Mr. Connolly. Mr. Cole said he believed only  
12 one permit would be required for this application for the Town to access the driveways.  
13

14 Mr. Houghton asked Mr. Daley if he had any comments. Mr. Daley asked the applicant  
15 where the alternative hammerhead design has been used in Town. Mr. Cole responded  
16 Roby Jewel Lane. Mr. Daley suggested that Board discuss the proposed road and is it  
17 worth the Town's collective effort to take on this roadway considering its short length  
18 which will add cost to the Town to maintain this road going forward.  
19

20 Mr. Daley asked how the configuration of the lots was developed. Mr. Cole said they  
21 did their best to provide adequate building area for each lot. He referred to a narrow  
22 area on one of the lots saying it looks a lot worse on the plan that it actually is, the area  
23 is 85 feet in width. Mr. Daley asked if other configurations were considered. Mr. Cole  
24 said at one time that had looked at preserving the existing house, but due to the issues  
25 associated with it, they decided against it.  
26

27 Mr. Mason added that the subdivision currently being developed at Scamman Road also  
28 has a hammerhead configuration. He added that he had spoken with both the Fire Chief  
29 and Roadway Agent and neither of them had an issue with the hammerhead design.  
30 Mr. Daley confirmed that the Fire Chief was satisfied with the roadway design  
31 including its width. Mr. Daley reminded the Board that they had granted a waiver for a  
32 reduction in road width for the 32 Bunker Hill subdivision. Mr. Cole confirmed the  
33 road would be curbed on one side and drainage would also be in place.  
34

35 Mr. Daley inquired about Lot #1 and asked if the intent was to further subdivide said lot  
36 under the pork chop provision in the Subdivision Regulations. He stated that due its  
37 configuration, acreage there is a possibility that that lot could be pork chopped. Mr.  
38 Mason responded that a note would be placed on the plan saying that said lot cannot be  
39 further subdivided and will also be included within the deed of the property.  
40

41 Mr. Merrick commented that the top lot could have its own driveway going out onto  
42 High Street and then the roadway would be just a common driveway. Mr. Cole agreed,  
43 but said from previous comments; the hope would be to have one single access. Mr.  
44 Merrick said he didn't see the benefit of making a short road that only services 3  
45 houses, a Town maintained road.

1 Mr. Paine asked if there is a long term maintenance solution with regards to the  
2 stormwater outlet. Mr. Cole said at the moment they are viewing it as a municipal  
3 road and there is a drainage easement on Lot 16.  
4

5 Mr. Houghton referred to Lot #3 asking what type of buffer they anticipated between  
6 that lot and the adjoining one. Mr. Mason said the house is about 90 feet down where  
7 it is heavily wooded.  
8

9 Mr. Mason sought clarification as to who makes a final decision about the road and  
10 gave many examples of short roads that are maintained by the Town. Mr. Deschaine  
11 said that the Planning Board has the authority within the subdivision process to have  
12 the applicant lay out and dedicate a road as private or Town. Once the road is built, it  
13 goes before the Board of Selectmen whose duty is to accept the road if it meets the  
14 Town's specifications.  
15

16 Mr. Daley said he was remiss in suggesting to the Planning Board look at the regional  
17 impact of this application on High Street and into Greenland as part of High Street is  
18 physically in Greenland and maintained by Greenland. The Board discussed the  
19 roadway. Mr. Mason said in some other towns it is possible to build a narrower  
20 roadway, but deed it to the Town with enough land available to build the roadway to  
21 Town specifications should it ever be necessary. Mr. Daley asked who would build the  
22 road to Town specifications should the Board choose that option. Mr. Mason said it  
23 would be the residents unless there were some benefits for the Town. Mr. Merrick said  
24 the area was surrounded by wetlands so the Town wouldn't be able to expand the road.  
25 Mr. Federico and Ms. Werner commented that you don't know what the future holds.  
26

27 Mr. Baskerville said he preferred this plan to the previous one, but he didn't like short  
28 roads. He doesn't like that the road drops off steeply at the end and he asked how they  
29 would get a piece of equipment in to do the drainage easement. Mr. Baskerville said  
30 some grading should be used to minimize the impact. He felt the best suggestion would  
31 be to have a Town right of way, but make the road private. Mr. Mason said that  
32 wouldn't be to his benefit or anybody buying the lots.  
33

34 Mr. Merrick asked how big the lots and houses would be. Mr. Mason said there is  
35 enough land to do up to 6 bedrooms, but the neighborhood will probably dictate 3 or 4  
36 bedrooms. Ms. Werner said Stratham has regulations. Mr. Mason said they would not  
37 be bigger than 4 bedrooms.  
38

39 Mr. House asked if the septic plans allowed for 4 bedrooms. Mr. Cole said that so far  
40 only test pits had been done, but that the septic designs would be for the appropriate  
41 size.  
42

43 Mr. Houghton asked Mr. Daley if he had received revised plans with signatures. Mr.  
44 Daley said he hadn't but that is something that can be cleaned up as part of the final  
45 submittal process.  
46

1 Mr. Houghton asked the Board if they accept the application as complete. Ms. Werner  
2 made a motion that the Board accepts this application as complete. Motion was  
3 seconded by Mr. Paine and the motion was carried unanimously.  
4  
5 Kelli Baldasaro, abutter, 126 High Street asked what the next steps were. Mr. Daley  
6 explained that this was the last formal hearing for the application itself. She asked if  
7 she could have a copy of the plan, Mr. Daley said it would be no problem.  
8  
9 Mr. Federico asked when the Roadway agent would be giving his comments. Mr.  
10 Mason said he had had numerous conversations with the new agent and wasn't sure  
11 why he hadn't yet reported to Mr. Daley. As far as Mr. Mason is aware, the Roadway  
12 Agent has no issues with the roadway or turnaround area.  
13  
14 Mr. Mason asked for clarification on the driveway permit. Mr. Daley explained it  
15 would be one of the conditions of approval to get a driveway permit from the Town.  
16  
17 Mr. Houghton asked for more detail on how they intended to handle erosion control and  
18 storm water management. Mr. Cole explained that Mr. Connelly had recommended  
19 putting in a catch basin which they intended to do. Mr. Daley said that as part of the  
20 final submittal, an easement deed document will need to be submitted for the drainage  
21 facility.  
22  
23 Mr. Daley said to the Board that Mr. Mason had discussed the buffers in close  
24 proximity to the other homes, and he asked if the Board would like to have more visual  
25 buffers or were they satisfied with what has been presented today. Mr. Paine said he  
26 would like to see more buffering on the southern end. Mr. Baskerville said that Mr.  
27 Mason has referred to conserving trees and he wondered where the note was on the plan  
28 about that.  
29  
30 The abutter, Mrs. Baldasaro said she was happy with the screening and hoped it stayed.  
31 She added that the abutters on the south side however, do not have such good screening  
32 as her.  
33  
34 Mr. Federico asked where the nearest source of fire protection was. Mr. Mason said  
35 Willowbrook or Seavy Pastures.  
36  
37 Mr. Baskerville made a motion that this project does not meet the criteria for regional  
38 impact. Mr. Paine seconded. The motion carried unanimously.  
39  
40 Mr. House asked about the wells. Mr. Mason explained that one is existing and the  
41 others will get tidied up when a septic design is developed.  
42  
43 Mr. Houghton asked the Board to vote as to whether they are in agreement that the  
44 Town should take over the road. The Board voted 4:2 in favor that the Town should  
45 maintain the road.

1 Mr. Daley advised the Board to grant or deny the waivers. Mr. Baskerville made a  
2 motion that the Board approve waiver number one to allow a 22 feet wide pavement.  
3 Ms. Werner seconded the motion. The motion carried unanimously.  
4

5 Mr. Baskerville made a motion that the Board approves the waiver to allow for a  
6 modified “T” turnaround in accordance with the plans with two conditions: the  
7 developer works out an end treatment as agreed to between the developer, Mr. Daley  
8 and the Highway Agent, Colin Lavery; and that Colin Lavery approves the final  
9 layout design. Mr. Paine seconded the motion. The motion carried unanimously.  
10

11 Kelly Baldasaro asked how much space there was from their property line to the new  
12 proposed structure. Mr. Cole said it is about 40 feet. Mr. Baskerville explained that  
13 the Board is approving the subdivision of the land and that the location of the house on  
14 the plan could change. As long as the house meets the Town’s requirement of 20 feet  
15 from the side property line and 50 feet from the Wetlands, the Building Inspector will  
16 approve it.  
17

18 Mr. Daley said if the public had no further comments, the public session should be  
19 closed. Mr. Baskerville made a motion to close the public hearing. Ms. Werner  
20 seconded the motion. The motion carried unanimously.  
21

22 Mr. Daley reminded the Board of the conditions of approval so far. Mr. Baskerville  
23 asked about deeds and bonds. Mr. Daley said he would include that in the overall  
24 conditions of approval.  
25

26 Mr. Federico made a motion that the Board approves the plan as submitted and the  
27 conditions as discussed. Mr. Baskerville seconded the motion. Motion carried  
28 unanimously.  
29

30 Mr. Daley explained that there is a 30 day appeals period should an abutter decide to  
31 appeal the decision of the Planning Board.  
32  
33

34 **4. Public Meeting(s).**

35 a. Zoning and Land Use Amendment – Workshop  
36

37 Mr. Daley explained that he had a draft version of a revised sign ordinance. He asked if  
38 the Board would prefer a formalized workshop dedicated to it on September 19, 2012  
39 rather than discuss it at tonight’s meeting. Mr. Houghton recommended that the Board  
40 take a copy home to read and aim to discuss it on September 19<sup>th</sup>. He reminded the  
41 members that they would like this to be included for the Town meeting so they needed  
42 to move forward with it. Mr. House asked if they had looked at other towns sign  
43 ordinances. Mr. Houghton replied that they had and gave some background to the  
44 reasons the sign ordinance was being amended.  
45

1 Mr. House asked if there were any other ordinances the Board would have to look at for  
2 the Town meeting. Mr. Houghton and Mr. Daley said that there about 7 Warrant  
3 articles to look at before the Town meeting which relate mainly to open space cluster  
4 division regulations which he hopes to have completed by the 19<sup>th</sup> also.

5  
6 Mr. Baskerville asked if there were any applications to be heard on the 19<sup>th</sup>. Mr. Daley  
7 replied that there was one preliminary consultation.  
8

9 **5. Miscellaneous.**

10 a. Report of Officers/Committees.

11  
12 Mr. Daley informed the Board that Plan New Hampshire would be presenting their  
13 findings from the November 2011 Charrette on Thursday, September 13<sup>th</sup> at 7: pm in  
14 Meeting Room A at the Town Hall.  
15

16 b. Member Comments.

17  
18 Mr. Baskerville said that the State was looking for a new realtor to represent the old  
19 Technical College in Stratham. He continued that he had been asked if a rezoning for  
20 the property had ever been considered. Mr. Federico and Ms. Werner said that it had  
21 been rezoned already to a Flexible Mixed Use zone.  
22

23 Mr. Federico asked about the Municipal Law Lecture Series. Mr. Baskerville shared  
24 the dates and times lectures were available to attend.  
25

26 c. Other.  
27

28 **6. Adjournment.**

29  
30 Ms. Werner made a motion to adjourn the meeting at 9:18 pm. Mr. Baskerville  
31 seconded. Motion carried unanimously.  
32  
33